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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,	CR 18-97-BLG-SPW
Plaintiff,	
vs.	OFFER OF PROOF
LETICIA AGUIRRE TYRRELL,	
Defendant.	

The United States, represented by Assistant U.S. Attorney Thomas K. Godfrey, files the following offer of proof in anticipation of the change of plea hearing set in this case on September 25, 2018.

THE CHARGES

The defendant, Leticia Aguirre Tyrrell, is charged by indictment with possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1).

PLEA AGREEMENT

There is no plea agreement in this case. The defendant has indicated that she will plead guilty to the indictment without the benefit of a plea agreement. In the government's view, this is the most favorable resolution for the defendant. See *Missouri v. Frye*, 566 U.S. 134, 145-46 (2012).

ELEMENTS OF THE CHARGES

In order for the defendant to be found guilty of possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1), the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly possessed methamphetamine; and

Second, the defendant possessed the methamphetamine with the intent to distribute it to another person.

Additionally, while not a formal element of the offense, the government would also have to prove beyond a reasonable doubt that the defendants possessed with the intent to distribute 500 or more grams of a substance containing a detectable amount of methamphetamine or 50 or more grams of actual (pure) methamphetamine.

PENALTIES

The count carries a mandatory minimum of ten years to life imprisonment, a \$10,000,000 fine, at least five years of supervised release, and \$100 special assessments.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

Through the use of a Confidential Informant (CI), investigators with HIDTA and the FBI TOC-W Task Force learned that an individual, who they believed to be a source of supply for methamphetamine, had arranged and conducted previous drug transactions in Billings, Montana. During these transactions, the source of supply and the CI communicated by text message to establish the specifics of the deal, including the price and quantity of methamphetamine along with the meeting time and location. With the CI's cooperation, the investigators arranged for a shipment of methamphetamine to be delivered to the CI in Billings.

On June 23, 2018, investigators met with the CI and began surveillance at the La Quinta Hotel. The source of supply advised the CI that the courier's name was "Leti," that she had arrived in Billings. Once "Leti" arrived at the hotel, agents arrested her and identified her as Leticia Aguirre Tyrrell. They also secured

the Ford Fusion sedan that she was driving and towed it to the Billings Police Department's evidence facility.

An Eastern Montana HIDTA Task Force Officer applied for and received a Montana State search warrant for the Ford Fusion Tyrrell was driving. During the execution of that search warrant, investigators discovered approximately 10 pounds of methamphetamine in the rear passenger seating area of the vehicle in one large package. The methamphetamine was tested at the DEA crime, which concluded there was 4,792 grams of pure methamphetamine.

Agents later interviewed Tyrrell while she was in custody. She waived her Miranda rights and agreed to speak with the agents. She explained that the purpose of her trip was to make some money and that she was to be paid \$5,000 for driving to Billings. Her father rented the Ford Fusion sedan she used to make the trip and she obtained a box of what she believed to be methamphetamine from an unknown male in Phoenix before departing for Montana.

DATED this 14th day of September, 2018.

KURT G. ALME
United States Attorney

/s/ Thomas K. Godfrey
THOMAS K. GODFREY
Assistant U.S. Attorney